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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,036	03/02/2004	Eric J. Hull	120083-136740	1261

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EXAMINER	
LEE, JUSTIN YE	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/791,036	HULL ET AL.	
	Examiner	Art Unit	
	Justin Y. Lee	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *61-73 and 80-90*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the Final Office Action mailed on 12/8/09 should be withdrawn because the new ground of rejection is neither necessitated by applicant's amendment of the claims nor based on the IDS.
In contrast to applicant's assertions, the newly amended independent claims (Amendment filed on 10/9/09) changed the limitation of the rejected claims and changed the scope of the invention, therefore, new ground of rejection is properly applied which results in the FOA mailed on 12/8/09.

Applicant argues that Tyroler does not teach a touch-screen display, and a processor unit coupled to the transceiver and touch-screen display therefore, results the combination of Keinonen and Tyroler is improper and therefore, does not teach or suggest "cause a light unit to light a second virtual key… to indicate receipt of a message from a second contact of said contact list".
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Tyroler does not teach those features but Keinonen does teach those features. As a result, Keinonen and Tyroler are combinable and the combination does teach cause a light unit to light a second virtual key… to indicate receipt of a message from a second contact of said contact list (see page 4 of FOA mailed on 12/8/09).

Applicant argues that Haaramo does not teach a touch-screen display to display information associated with one or more messages received from the first or second contact in response to the selection.
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Haaramo reference is used in combination with Cannon reference and Haaramo does teach play a voice message upon a selection of the user (Fig. 8 and paragraph 32 and 62). Cannon teaches converting a voice message into a text message for storage and display (Abstract and col. 5, lines 7-19 and col. 8, lines 1-14). Therefore, when the two references are combined, it would be obvious to have the voice message of Haaramo to be converted into a text message and display it.

Applicant argues that Haaramo, Keinonen and Tyroler do not teach that two contacts of a single contact list stored on the mobile device are associated with two different "virtual keys".
In contrast to applicant's assertions, the Examiner can not find the limitation "two contacts of a songle contact list stored on the mobile device are associated with two different "virtual keys" "in claim 73.

Applicant argues that Cannon does not disclose or suggest causing a touch-screen to display information associated with a received message from a contact in response to selection of a virtual key associated with the contact.
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Cannon is used in combination with Keinonen, Tyroler and Keinonen and the combination does teach causing a touch-screen to display information associated with a received message from a contact in response to selection of a virtual key associated with the contact (see page 3-6 of FOA mailed on 12/8/09).

Applicant argues that the combination fails to teach or suggest "cause the touch-screen display to display information assoicated with one or more messages" received from a first/second contact of a contact list stored on the mobile device in response to the selection, by a user, of the first/second virtual key.
In response to applicant's assertions, as explained above, Keinonen teaches a touch-screen display (Keinonen, Fig. 2 and col. 4, lines 67-col. 5, lines 1) and Tyroler teaches lighting a light unit indicating receipt of a message (Tyroler, col. 5, lines 8-26) and Haaramo teaches play a received message upon a user selection (Haaramo, Fig. 8 and paragraph 32 and 62) and Cannon teaches converting a voice message into a text message for storage and displaying (Cannon, Abstract and col. 5, lines 7-19 and col. 8, lines 1-14).
So the combination would teach a light unit indicating recipt of a message on the touch-screen display and upon the user selection the message is converted into the text message and displayed on the touch-screen display.